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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of Part 22 of the	)	CC Docket No. 92-115
Commission's rules governing	)	
the Public Mobile Services	)	

TO: The Commission

COMMENTS OF TELOCATOR

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Telocator, the Personal Communications Industry Association, hereby submits its comments on the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding.[1] By this proceeding, the Commission proposes to overhaul its rules governing common carrier mobile services. Its objectives are to make the rules easier to understand, to eliminate outdated regulations and unnecessary information collection requirements, to streamline licensing procedures, and to allow licensees greater flexibility in providing service to the public.[2]

Telocator applauds the agency's efforts, as its proposals will offer significant benefits for the Commission, licensees, and consumers. Overall, the changes represent a carefully considered review of the current regulations. Nevertheless, Telocator is concerned that certain of the proposed changes fall short of achieving the agency's

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[1] Revision of Part 22 of the Commission's rules governing the Public Mobile Services, 7 FCC Rcd. 3658 (1992) ("NPRM").

[2] Id. at ¶ 1.

objectives. A few proposed changes could, in fact, unnecessarily increase burdens on licensees, thereby reducing their flexibility to offer service in the public interest. Accordingly, Telocator urges the Commission to incorporate into its final order the suggestions discussed below to better realize the goals of this proceeding.

EXECUTIVE SUMMARY

Telocator is the national trade association for mobile communications common carriers and private carriers offering paging, conventional two-way mobile, and cellular telecommunications services throughout the country. It has been actively involved in Commission proceedings aimed at developing policies and rules to improve the provision of mobile services. For example, Telocator has either initiated or promoted FCC decisions to classify radio common carriers as non-dominant,[3] remove construction permit requirements,[4] permit greater height/power for paging services,[5] deregulate and improve cellular services,[6] and allow for the flexible use of two-way

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[3] Pre-emption of State Entry Regulation in the Public Land Mobile Service, 2 FCC Record 6434 (1987).

[4] Amendment of Part 22 of the Commissions Rules and Regulations to Allow Public Mobile Services Applicants to Commence Construction After Filing Form 401, but Prior to an Authorization, 4 FCC Rcd. 5960 (1989).

[5] Height and Power Increases in the Public Land Mobile Radio Services, 4 FCC Rcd. 5303 (1989).

[6] Amendment of Parts 2 and 22 of the Commission's rules to Permit Liberalization of Technology And Auxiliary Service Offerings in the Domestic Public Cellular Radio Telecommunications Service. 3 FCC Rcd. 7033 (1988).

mobile frequencies.[7] As noted in the NPRM, in October 1990, Telocator submitted extensive comments and recommendations on revisions to Part 22 of the rules to the Mobile Services Division's internal task force studying this issue.[8]

On June 12, 1992, the Commission released its Notice of Proposed Rulemaking in this proceeding to revise Part 22 of its regulations pertaining to public mobile services.[9] Notably, the FCC proposed to: (1) adopt a first come, first served application process to eliminate comparative hearings and most lotteries; (2) make substantial revisions to the technical requirements in its rules, including replacing the use of Carey curves; (3) grant applications on the condition that the facilities do not cause interference to validly licensed operations; (4) eliminate the requirement to file Form 489 notifications when implementing certain minor changes to facilities or when constructing additional transmitters operating within the contours of existing facilities; (5) grant a "finder's preference" to applicants that discover available frequencies; (6) open a limited amnesty period during which licensees may return authorizations for unused channels without forfeiture liability; (7) specify when authorizations terminate without Commission action; (8) replace traffic loading requirements with numerical limits for applicants seeking additional channels; (9) delete outdated regulations related to initial cellular licensing; (10) re-structure and streamline the assignment of channels

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[7] Flexible Two-Way, 4 FCC Rcd. 1576 (1989); Flexible Two-Way, 4 FCC Rcd. 6415 (1989).

[8] NPRM, ¶ 1 n.2.

[9] 47 C.F.R. Part 22 (1991).

for air-ground services; (11) revise Forms 401, 489 and 490; (12) reorganize and retitle the rules into service specific subsections; and (13) convert to the metric system.

Telocator endorses the Commission's efforts to overhaul Part 22 of its rules. Significant technological and rule changes have occurred in the public mobile services that make many of the rules obsolete and unnecessary. The revisions proposed in this proceeding clearly will benefit the Commission, its licensees, and the consumers of telecommunications services.

Nevertheless, Telocator believes that some of the changes will, in practice, increase burdens on licensees. Others will actually restrict opportunities to offer services in the public interest. Accordingly, Telocator urges the Commission to re-evaluate its proposal to address these concerns. The new rules should offer licensees the flexibility to accommodate technological and competitive changes expected in the mobile services industry. To that end, Telocator proposes several clarifications.

For the Commission's convenience, Telocator has divided its comments into five sections and two attachments. The first deals with general issues involving application processing and filing. The second pertains specifically to paging and mobile telephone matters. The third section offers comments on the use of control frequencies. The fourth section requests several changes to the regulation of air-ground service. The last section discusses issues related to cellular licensing. Finally, Attachment A lists the areas in which Telocator seeks clarification or modification of

the proposed rules while Attachment B contains the proposed rules, revised to incorporate Telocator's suggestions.

I. APPLICATION FILING AND PROCESSING - GENERAL ISSUES

A. First Come, First Served Application Process

The Commission has proposed to grant applications on a "first come, first served" basis.[10] Under this proposal, only mutually exclusive applications received on the same day would be entitled to be included in a random selection process. Major filings would still be listed in periodic public notices, and a 30-day period for filing petitions to deny would remain. However, the 60-day period currently allowed for the filing of competitive applications would be eliminated. In conjunction, the Commission also has proposed to eliminate the carriers' option to seek a comparative hearing.

Telocator is concerned that the agency's proposal will create more problems than it is intended to cure. The agency is to be commended for seeking to speed the processing of applications and to eliminate controversies associated with mutually exclusive applications.[11] In its present form, however, the proposal is actually likely to increase controversies to the detriment of legitimate service providers. Telocator therefore opposes the adoption of a first come first served application process, unless modified.

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[10] NPRM, at ¶¶ 9-10.

[11] Id.

As an initial matter, Telocator notes that the current rules have generally worked well. The agency has been required to lottery only a small percentage of the thousands of applications it receives annually. To the best of Telocator's knowledge, the Commission has not held a comparative hearing for any non-cellular public mobile services applications for years. In fact, the prospect of a lottery and/or comparative hearing has deterred entities from filing illegitimate applications and has encouraged legitimate applicants to settle issues involving competing applications.

The first come, first served policy would significantly change this application process. Currently, a party seeking to file an application in order to prevent expansion of an existing licensee, or to resell the authorization at a profit, has at most a 50% chance of obtaining the channel. Because these chances will increase if the FCC's proposal is implemented, so will the incentives to file competing applications.[12] Thus, the FCC is likely to see an increase in the number of applications filed upon the effective date of the rules by parties that were deterred previously from filing because of the prospect of a lottery or comparative hearing.

Adoption of first come, first served policy also will require existing licensees to expend resources before necessary to apply for and construct facilities to cover (and protect) their anticipated market area. The agency's proposal will force carriers to expand their systems for regulatory purposes rather than sound business reasons.

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[12] Telocator expects that the agency's proposal, if adopted, also may encourage more abuses by application mills, since an applicant's chances of gaining a frequency and parlaying that into eventual payment from an existing licensee will increase.

Although such problems may not affect large companies that make expansion plans early, small companies that do not possess the capital resources to engage in the comprehensive long-range planning necessary to pre-empt abusive filers will suffer. Even large companies could be precluded from expansion in certain areas that were not originally considered.

Moreover, Telocator does not believe that the Commission's proposal will speed the processing of applications. Because the proposal effectively precludes the filing of mutually exclusive applications, licensees are likely to file petitions to deny any offensive application, as it will be the only remaining option to protect their ability to expand their wide-area service area. As a result, the expenditure of agency resources will increase as licensing controversies shift from one arena to another. Instead of expending resources on the rather routine processing of mutually exclusive applications, the agency will become embroiled in legal and technical arguments addressed in petitions to deny, petitions for reconsideration, applications for Commission review and reconsideration and judicial appeal. Thus, not only will the applications processors become involved, but also the Mobile Service Division's legal staff, the Common Carrier Bureau's staff, and the FCC's Office of the General Counsel.[13]

Unless modified, the first come, first served approach also is likely to engender an avalanche of filings immediately before and following the effective date of the rules as existing licensees and speculators rush to protect their interests or seize what appears

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[13] Certainly, some mutually exclusive applications involve petitions to deny, but these are fewer than would be expected if the agency's proposal were adopted.

to be a new opportunity. The result will inundate the Commission and strain already limited resources. In fact, this scenario recently occurred in the context of the FCC's proceeding involving the 220-222 MHz band. The agency received approximately 58,000 applications on the first day of its window for accepting applications over 16 months ago, and it has yet to grant one application or even hold a lottery.[14] In sum, Telocator submits that -- contrary to the FCC's goals -- the "application processing speed of service" will decrease and "service to the public" will suffer under the agency's first come, first served proposal.

Telocator urges the agency to adopt instead a licensing approach that will allow it to meet its objectives without harming existing licensees. Specifically, the agency should adopt "market area" licensing in the Paging and Radiotelephone Service akin to that employed for cellular. Recognition of a licensee's "market area" (rather than the locations of its existing transmitters) would be a reasonable mechanism to achieve the Commission's goals to speed licensing, reduce regulatory delay, and encourage publicly beneficial wide-area services for paging and radio telephone comparable to what has been accomplished for cellular. Indeed, this approach will reduce the number of mutually exclusive applications and lotteries, yet respond to the legitimate needs of existing licensees. Such an approach could be developed initially for 931 MHz stations and ultimately applied to all Paging and Radiotelephone Service licensees.

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[14] See Public Notice "Commission Announces Lottery for Rank Ordering of 220-222 MHz Private Land Mobile 'Local' Channels," DA 92-1231, released Sept. 10, 1992.

At a minimum, however, Telocator recommends that the agency revise its proposal by allowing co-channel licensees within 250 km of the facilities proposed in any application to file a mutually exclusive application. This period could be shortened from the current 60 days to 30 days in the interest of expediting FCC licensing. Such a modification would still significantly streamline the application process, at the same time minimizing the negative potential discussed above.

For similar reasons, Telocator opposes the agency's tentative decision to eliminate the comparative hearing option. At the outset, Telocator submits that this option has not been a burden to the agency. Because of the high hurdle the agency has erected for applicants to justify a comparative hearing, Telocator is unaware of any instance in which the FCC has granted a request for comparative hearing for a non-cellular applicant since Part 22 was adopted. Nevertheless, as noted above, the potential for a hearing process serves as an important mechanism to protect licensees' ability to expand service. Like lotteries, the comparative hearing process also deters speculation and provides an incentive for competing applicants to reach a settlement before agency involvement. The advantages of retaining this option greatly outweigh the disadvantages that would occur should it be eliminated.

B. Conditional Licensing

The FCC has proposed to adopt a new certification requirement for Paging and Rural Radio and Radiotelephone Services which would "condition" authorizations on

non-interference for the entire term of the license. If interference occurs because of an error or omission in the technical exhibits to the application, the Commission would retain the right to order the licensee -- without affording an opportunity for hearing -- to suspend operation of the facilities at the locations causing the interference, until the interference is resolved.[15]

The adoption of this proposal is likely to create more controversies than it is intended to prevent. The agency seeks to implement this proposal to reduce its need to examine the applications and, thereby, issue grants more quickly. Id. at ¶ 11. Telocator endorses the Commission's objectives, but is concerned that the solution proposed by the agency will adversely affect the provision of service to the public.

First, the proposal, if implemented, could prejudice those customers who have come to rely on service from the facilities. The condition placed on the license apparently could be invoked several years after a licensee's operations have commenced, possibly even after renewal.[16] By that time, thousands of subscribers, including public safety related organizations, may have come to rely on such service. An earlier licensee that may not have experienced interference before -- perhaps because it had no or few subscribers -- could force the relative newcomer to shut down service to subscribers under the agency's proposal. Worse, the earlier licensee could

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[15] NPRM, at ¶¶ 11-12. The proposal is predicated on an explicit engineering certification by the applicant, a concept that Telocator urges be implemented.

[16] Telocator also urges the Commission to make clear in adopting any such conditional licensing approach that the condition does not apply to license renewals.

pressure such a licensee with the threat of reporting interference to the FCC. Telocator believes such a scenario must be avoided. Certainly, there should be a period after which a co-channel licensee should be barred as a matter of laches from forcing a carrier to discontinue operations.

Second, the Commission's proposal would make it more difficult to finance and ultimately sell facilities to maintain operations. Financial institutions are unlikely to support companies that hold only "conditional" licenses. Telocator therefore urges the Commission to review the proposal's business impact, not just the technical aspect, as both of these affect the ability of carriers to operate in the public interest.

An alternative approach that will meet the agency's goals yet protect licensees is to limit the period of time that a carrier would be required to shut off the facilities for reasons of interference without notice and an opportunity for a hearing. Telocator recommends that the appropriate time period should be one year from commencement of service to the public (or from the public notice of the filing of Form 489 notification if Telocator's public notice proposal discussed below is implemented). This will afford affected co-channel licensees three notices, and thus three opportunities to question another licensee's operations: (1) notice of the application as accepted for filing; (2) notice of the grant of the application; and (3) notice of the commencement of operation of the facilities.

In essence, Telocator would modify the agency's proposal in only a limited fashion. Licensees will continue to have an ongoing responsibility, as they do today, to

cure any interference as quickly as reasonably possible, but there would be no specific rule requirement to "shut down" service provided to customers after one year of operation until the agency gives the allegedly interference-causing licensee an opportunity to be heard.[17]

Additionally, the Commission should specifically limit and describe the types of interference that would invoke the condition placed on the license. This interference should involve only "co-channel" interference. Adjacent channel interference, spurious emissions, intermodulation interference, and interference caused by improper operation should be addressed by other Commission rules and should not implicate the condition placed on the license.

Finally, the Commission should clarify the definition of "interference" so as to avoid disputes as to whether any alleged impairment is legally cognizable. The basis for any complaint of interference should be limited to showing that there is a material engineering error in the application that led to the grant of the authorization for the facilities, and it should be grounded on whatever curves, formulas, or tables were used initially to authorize the facilities, either Carey, the FCC's new formulas, or 931 MHz separation criteria.

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[17] See Section 22.147 in the Attachment for proposed changes.

C. Amnesty

The agency has initiated a limited amnesty period during which licensees who return authorizations for unused channels will not be subject to forfeitures for (1) discontinuing service without notifying the Commission in accordance with Section 22.303 of its current rules or (2) notifying the Commission of commencement of service when, in fact, such service has not commenced.[18]

Telocator commends the agency for initiating this amnesty policy, as it will free channels for productive use during a period when spectrum is in significant demand. Certainly, some licensees have been hesitant to return authorizations because of confusion about the application of Section 22.303 and the risk of forfeitures, which recently increased significantly.[19]

Furthermore, the Commission should clarify, either by public notice issued prior to the adoption of its final rules or in its Report and Order in this proceeding, that the amnesty also applies to the correction of licensee records at the FCC where actual operations may be at variance from that shown on the records. Such clarification will be particularly important should the Commission adopt its "conditional" licensing and its first come, first served proposals, as there will be a premium on having accurate information on file at the agency. The amnesty policy should facilitate the filing of

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[18] NPRM, at ¶ 14.

[19] See generally Standards for Assessing Forfeitures, 6 FCC Rcd 4695 (1991), recon., FCC 92-212, released June 4, 1992.

Form 489 notifications to advise the agency of changes in operations that may not have been filed earlier.

Telocator notes that the amnesty period began on the date the NPRM was published in the Federal Register and is currently scheduled to run until the new rules adopted in the proceeding become "effective." However, the uncertainty associated with the appellate process will discourage licensees from returning authorizations until the new rules are firmly in place. Therefore, the amnesty should run until some date certain after the new rules become "final" (i.e. no longer subject to reconsideration or appeal). Because of the difficulty in ascertaining whether a notice of appeal has been filed, the preferable approach would be to terminate the amnesty period by the issuance of a public notice setting forth a deadline for any filing subject to amnesty.

On a related matter, Telocator believes that licensees need more than the typical 30 day period after publication in the Federal Register to prepare for the implementation of the new rules. Personnel are not likely to be advised and trained about the new rules until after their adoption, so that there is no confusion between the rules as proposed and those actually adopted. Licensees will therefore need more than 30 days from Federal Register publication to distribute necessary information and prepare their staffs for the implementation of the new rules. Accordingly, Telocator recommends that the rules be adopted with an effective date of 90 days after Federal Register publication.

D. Termination of Authorizations

The Commission has proposed that authorizations would automatically expire without further action by the Commission for failure to commence service within the time periods required by the rules. The agency also would preclude the filing for one year of another application on the same channel (or in the case of 931 MHz in the same band) if the authorization were to expire automatically for failure to commence service.[20]

Telocator endorses the agency's proposal to define when an authorization terminates. The lack of specificity has created confusion in the industry regarding whether an authorization has expired. The agency should similarly clarify when a channel is considered to be "available for reassignment". In particular, the FCC should indicate whether a channel is available for reassignment immediately upon termination or whether the FCC must indicate by public notice that the channel terminated before it is considered available.[21]

On the other hand, Telocator opposes the agency's absolute ban on reapplying for a channel after termination. This proposal fails to recognize the business conditions that licensees face today. The prohibition is intended to prevent companies from warehousing spectrum. Decisions not to construct facilities, however, are more often

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[20] NPRM, at 3661, 3664.

[21] Paragraph 19 of the NPRM suggests that further action would not be needed, but Section 22.144(e) implies that in the case of an authorization submitted for cancellation a public notice must be issued before the channel is available for assignment.

usually related to other factors. For example, a permittee might learn shortly before the expiration date of the construction permit that it has lost its ability to construct facilities at a site and must move to a location that would entail a major modification. Such site losses occur as a result of a myriad of problems, including zoning and state restrictions, inability to negotiate a final lease and the demolition of towers. Similarly, a permittee might discover that operation at the proposed site causes intermodulation interference or receiver desensitization not previously anticipated by the studies performed earlier. In some cases anticipated demand at the new location may not have materialized to justify construction at the time, but is expected in the foreseeable future. In other cases, unanticipated capital budget changes may counsel against building before the expiration date. In each of these examples, it does not make sense to prohibit a licensee from re-applying for facilities, as to do so would leave the channel vacant or expose the licensee to competing applications that effectively prohibit the rational expansion of its system. Indeed, such an outcome would work against wide-area systems at a time when the public is demanding wider coverage. It also would yield the perverse result of delaying service to the public.

Accordingly, Telocator recommends against prohibiting licensees from re-applying for a channel after termination of an authorization in cases in which the licensee has voluntarily returned its authorization to the Commission. As a minimum, the Commission should allow an applicant to re-apply if the facilities are within a

specified mileage of an operating co-channel station. That distance could be the 40 mile (64 km) radius currently used by the FCC to define the "same geographic area."

In addition, Telocator urges the agency to clarify the definition of the term "service to the public" in proposed Section 22.142 that would be used in determining if a license has terminated. "Service to the public" should be defined in Section 22.99 to entail the construction of functioning equipment that could be used to provide service upon request. At a minimum, this requires the use of a transmitter, antenna, transmission line, and a terminal that is connected to the transmitter and the public switched network. Thus, upon request from an official at the Commission, the system must be able to transmit a message within a reasonable period.

E. Microfiche Requirements

The Commission has tentatively decided to require carriers to submit filings of three or more pages on microfiche. In addition, all "form" filings and amendments, regardless of length, would need to be microfiched.[22]

Telocator opposes the Commission's proposal in this regard as it would expand the already burdensome microfiching requirements, a burden borne solely by Part 22 licensees. The Office of Management and Budget approved the original microfiche requirement based in part on the Commission's decision not to require microfiche of any filings of five fewer pages and the representation that most Form 489 notifications

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[22] See proposed Section 22.105.

would not need to be microfiched. While Telocator recognizes that the FCC is proposing to eliminate the requirement to file many Form 489's, there are other rule changes that will require additional filings (e.g., decreases in outer composite service contours, Equal Employment Opportunity filings).

Rather than implement this burdensome microfiching requirement, the Commission should expedite the development of magnetic media filing.[23] From magnetic media, the agency should then move to on-line submissions.[24] On-line filing procedures are far superior to the microfiche requirements and will speed processing, reduce costs, and facilitate the creation of licensing databases for both the Commission and industry. In contrast, the microfiche requirement serves only to reduce the space needed at the agency to maintain its records.

Nor should the agency eliminate the option of filing required microfiche of pleadings within 15 days of the filing of an original paper copy. Compare current rule Section 1.45 with Proposed Section 22.105. This change will be particularly onerous for smaller carriers who lack in-house microfiching capabilities and face sharply higher costs for "rush" service from outside contractors. The current practice should and can be retained without increasing the microfiche burden on the Commission.

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[23] See proposed Section 22.105(g). Telocator recognizes that the implementation of such procedure should not be accomplished without additional industry input, perhaps through the use of an advisory committee.

[24] Telocator notes that on-line filing for certain Part 90 applications has become a reality. While there are significant differences in processing between Part 90 and many Part 22 applications, the use of electronic on-line filing for Part 22 applications should be the ultimate goal.

F. Official Record

The agency has proposed in Section 22.101 to codify its policy that the Commission's files constitute the "official record" for each station. The stated objective of the proposed rule is to inform applicants that the Commission's unofficial records or databases are not "official" records and that reliance on these secondary sources does not establish or deprive parties of their rights.

Telocator supports the Commission's efforts to clarify the status of its official records. It also encourages the Commission to continue its efforts to eliminate duplicate and erroneous records in its computer database.[25] Applicants across the country, however, do not have ready access to the station files and must depend on unofficial records in preparing applications. Accordingly, the agency should make clear that there will be no monetary forfeiture levied for relying on its databases (as opposed to station files) when a licensee files an application and certifies as to the accuracy of the engineering.[26]

Furthermore, the agency should explain that the station files include "all relevant filings submitted to the FCC" regardless of whether those filings have been placed in the appropriate station files. Licensees cannot ensure that the FCC has placed such submissions in the appropriate files, and it has been Telocator's experience

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[25] See generally NPRM at ¶ 12.

[26] The applicant would, however, bear the risk that its application might be defective or that the operation, if an authorization is granted, might be required to be modified during the period of conditional operation.

that the station files are often incomplete. In this regard, licensees and applicants should be free to supplement "official" station files by submitting an FCC date-stamped copy of any filing.

G. Metric Conversion

The Commission should ensure that its metric calculations use the conversion factors followed in the FM broadcasting arena.[27] This would afford consistency in the rules and minimize confusion associated with metric conversion. These factors are set forth in revised proposed rule (§ 22.169) contained in Attachment B to these comments.

H. Finder's Preference

The Commission's new rules would allow an applicant to file a "finder's preference" application for a public mobile service channel that is assigned, but is not currently being used. This proposal is aimed at recapturing unused spectrum and facilitating expeditious reassignment of channels to those persons who will use them productively. See proposed Section 22.167.

The Commission should offer guidance as to the sort of showings that it will consider sufficient to justify a finder's preference. In particular, the agency should indicate that monitoring to determine the presence or absence of traffic on a channel (as

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[27] Report and Order in Dkt. 80-90, Modification of FM Broadcast Rules to Increase the Availability of Commercial FM Broadcast Assignments, 48 Fed.Reg. 29486 (1983), n.36.

opposed to content) does not constitute a violation of the Electronic Communications Privacy Act.[28]

The agency also should explain whether the finder's preference will apply retroactively to applications now pending at the Commission. Specifically, the Commission should clarify when the preference would go into effect and how it might apply to those applicants, particularly in the case of what amounts to a 931 MHz "waiting list." For example, the agency should make clear whether and, if so, how the preference will apply if asserted when the agency is processing applications in the area that would be served by the channel.

I. Renewal Applications

To avoid the rush of filings at the end of the renewal period, Telocator recommends that proposed Section 22.145 be revised to allow for filing at any time within the last year of the term of the license. This will permit the Commission and the industry to allocate their resources more easily to the renewal process not only to facilitate the timely filing of accurate renewal applications but also to assist the Commission in processing the filings.

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[28] The Electronic Communications Privacy Act makes it unlawful to intercept electronic communications. 18 U.S.C. §§2510-2520. The term "intercept" means "the aural or other acquisition of the contents of any wire, electronic, or oral communications through the use of any electronic, mechanical or other device." Id. at § 2510(4). The term "contents" is defined to include "any information concerning the substance, purport, or meaning of the communication." Id. at § 2510(8).

Furthermore, the agency should not require parties seeking to challenge a renewal application to file their petitions before Public Notice of such application, as currently proposed in Section 22.145. Indeed, parties are unlikely to know whether a renewal application will be filed or whether the licensee will seek renewal of the channel of interest. Thus, parties should be allowed to file their challenge within 30 days after Public Notice that the renewal application has been accepted for filing.

J. FCC Form Changes

Telocator supports the changes the Commission has made to FCC Forms 401, 489 and 490, as they should assist the Commission and industry in significantly reducing paperwork burdens. To further that end, however, Telocator urges the Commission to make the following additional revisions to its FCC Form 401:

- delete Item 30 regarding beamwidth of major lobe of radiation;
- delete the extra lines in Item 37 listing the points of communications;
- delete Item 34(d) listing the emissions designators, as authorized emissions will be set out in the rules;
- provide the height above average terrain (HAAT) on the form;
- implement additional formatting changes to Schedule B of Form 401 to reduce it from 2½ to 2 pages; and
- eliminate the option to use Form 401 for microwave applications so as to facilitate Public Notice and the accuracy of the associated databases.